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6

7 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10  
11 In the Matter of the Accusation Against:

Case No. 2010-502

12 **FRANCESCA MARIA ARAGON**  
13 128 San Luis Way  
Novato, CA 94945  
14 Registered Nurse License No. RN 279910

**A C C U S A T I O N**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about August 31, 1977, the Board of Registered Nursing issued Registered  
23 Nurse License Number RN 279910 to Francesca Maria Aragon (Respondent). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on April 30, 2011, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5 STATUTORY PROVISIONS

6 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
7 that the Board may discipline any licensee, including a licensee holding a temporary or an  
8 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
9 Nursing Practice Act.

10 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
13 Code, the Board may renew an expired license at any time within eight years after the expiration.

14 6. Section 2761 of the Code states:

15 "The board may take disciplinary action against a certified or licensed nurse or deny an  
16 application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 ...

19 "(f) Conviction of a felony or of any offense substantially related to the qualifications,  
20 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
21 conclusive evidence thereof.

22 ...

23 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
24 revoke a license on the ground that the licensee has been convicted of a crime substantially  
25 related to the qualifications, functions, or duties of the business or profession for which the  
26 license was issued.

27 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 9. California Code of Regulations, title 16, section 1444, states:

4 "A conviction or act shall be considered to be substantially related to the qualifications,  
5 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
6 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
7 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

8 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
9 subdivision (d) of Penal Code Section 11160.

10 "(b) Failure to comply with any mandatory reporting requirements.

11 "(c) Theft, dishonesty, fraud, or deceit.

12 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
13 Penal Code."

#### 14 FIRST CAUSE FOR DISCIPLINE

##### 15 (Conviction of Crime)

16 10. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in  
17 that she was convicted of a crime substantially related to the practice of a registered nurse. The  
18 circumstances are as follows:

19 11. On or about February 17, 2000, Respondent was convicted in Marin County Superior  
20 Court Case number CR111798A of violating Penal Code section 490.5 (Theft of Retail  
21 Merchandise). This conviction was based on Respondent's theft of \$54.54 worth of  
22 miscellaneous goods and food from Apple Market in Novato, California.

#### 23 SECOND CAUSE FOR DISCIPLINE

##### 24 (Conviction of Crime)

25 12. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in  
26 that she was convicted of a crime substantially related to the practice of a registered nurse. The  
27 circumstances are as follows:

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1           13. On or about October 16, 2001, Respondent was convicted in Marin County Superior  
2 Court Case number CR120976A of violating Penal Code section 490.5 (Theft of Retail  
3 Merchandise). This conviction is based on Respondent's attempted theft of \$229.88 worth of  
4 assorted merchandise from a Safeway Store in Novato, California.

5                                   THIRD CAUSE FOR DISCIPLINE

6   (Conviction of Crime)

7           14. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in  
8 that she was convicted of a crime substantially related to the practice of a registered nurse. The  
9 circumstances are as follows:

10           15. On or about February 24, 2003, Respondent was convicted in Marin County  
11 Superior Court Case number CR127926A of violating Penal Code section 666 (Petty Theft with a  
12 Prior Conviction of Petty Theft). This conviction was based on Respondent's theft of \$104.68  
13 worth of merchandise from a Long's Drug Store in Novato, California.

14                                   FOURTH CAUSE FOR DISCIPLINE

15   (Conviction of Crime)

16           16. Respondent is subject to disciplinary action under Code sections 490 and 2761(f) in  
17 that she was convicted of a crime substantially related to the practice of a registered nurse. The  
18 circumstances are as follows:

19           17. On or about November 29, 2007, Respondent was convicted in Marin County  
20 Superior Court Case number CR155289A of violating Penal Code section 666 (Petty Theft with a  
21 Prior Conviction of Petty Theft) and with an allegation of Penal Code section 17(B)(4), reduction  
22 of felony to misdemeanor by prosecuting attorney. This conviction was based on Respondent's  
23 theft of \$66.81 worth of merchandise from Apple Market in Novato, California.

24                                   PRAYER

25           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27           1. Revoking or suspending Registered Nurse License Number RN 279910, issued to  
28 Francesca Maria Aragon;

- 1           2.    Ordering Francesca Maria Aragon to pay the Board of Registered Nursing the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3;  
4           3.    Taking such other and further action as deemed necessary and proper.  
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7           DATED: 4/13/10  
8

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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